

June 11, 2014
FOR IMMEDIATE RELEASE

Summary of June 5-6, 2014, Board Meeting

The following is a summary of June 5-6, 2014, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 146 cases.

New Investigative Cases: The Board reviewed 54 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action against a licensee, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 1 Statement of Charges.

An Iowa-licensed physician who formerly practiced medicine in Dearborn, Michigan, had formal disciplinary charges filed against him by the Iowa Board on June 6, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since July 1, 1999. On July 8, 2010, the physician was convicted in the United States District Court in Detroit, Michigan, of violating 18 U.S.C. section 1347 (health care fraud), 18 U.S.C. section 1546(a) (making material false statements on immigration documents), and 26 U.S.C. section 7206(1) (willfully making/subscribing a federal income tax return containing material false statements), all felonies. On September 30, 2010, the physician was sentenced to 24 months in prison and ordered to make restitution to the Medicare program in the amount of \$67,235.35. On September 21, 2011, the physician was disciplined by the Michigan Board of Medicine (Michigan Board). The Michigan Board alleged that the physician violated the laws and rules governing the practice of medicine in Michigan when he was convicted of multiple felonies and lacked good moral character. The Michigan Board suspended the physician's Michigan medical license for a period of six months and one day. The Iowa Board charged the physician with being disciplined by the Michigan Board. A hearing is scheduled on October 2, 2014.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreement contains the allegations and the sanctions.

The Board approved 7 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices obstetrics and gynecology in Belleville, Illinois, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since July 1, 2012. On August 2, 2013, the physician was disciplined by the Illinois Division of Professional Regulation (Illinois Board) after he settled two medical malpractice suits which alleged that he failed to timely order and perform cesarean sections resulting in harm to two newborns in Belleville, Illinois, in 2005. The Illinois Board issued the physician a reprimand and ordered him to pay a \$5,000 fine. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Illinois Board.
2. An Iowa-licensed physician who formerly practiced surgery in multiple locations in St. Louis, Missouri, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since June 1, 2002. On January 11, 2013, the physician voluntarily surrendered his Missouri medical license in lieu of discipline after the Missouri State Board of Registration for the Healing Arts (Missouri Board) alleged that he: lost his surgical privileges at multiple hospitals in St. Louis, Missouri, in 2009 and 2010 due to concerns about his perioperative complication rate and professional competency; provided false or misleading testimony about the status of his surgical privileges, the status of his surgical practice and his malpractice history, while under oath serving as an expert witness in multiple malpractice cases between April 2009 and July 2010; and failed to cooperate with the Missouri Board's investigation. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
3. An Iowa-licensed physician who formerly practiced pediatrics in Council Bluffs, Iowa, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. On May 20, 2013, the physician was charged with the crime of Second Degree Sexual Abuse for engaging in sex acts with a person under the age of twelve, to-wit, a five year old female, in violation of Iowa Code section 709.3(2). Resolution of the charges is pending. The physician has not engaged in the practice of medicine since May 2013. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the Board charged the physician with engaging in unethical or unprofessional conduct based on the pending criminal charges and the physician voluntarily surrendered his Iowa medical license.
4. An Iowa-licensed physician who practices orthopedic surgery in Des Moines, Iowa, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he performed total knee replacement surgery on a patient's wrong knee on September 23, 2013, in Des Moines, Iowa. The patient planned

to undergo bilateral knee replacement surgery, the right knee first followed by the left knee, after a sufficient recovery period. The physician recognized the error, immediately discontinued the procedure and informed the patient's family, and the patient chose to undergo total knee replacement surgery on both knees. The physician reported this incident to the Board and has taken corrective action to avoid such errors in the future. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty and the physician submitted a written corrective action plan which describes the steps he has taken to avoid such errors in the future.

5. An Iowa-licensed physician who practices surgery in Peoria, Illinois, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since December 1, 2004. On September 6, 2012, the physician was disciplined by the Illinois Division of Professional Regulation (Illinois Board) after he settled a medical malpractice suit which alleged that he failed to timely diagnose cancer in a patient in March 2004, in Peoria, Illinois. The Illinois Board issued the physician a reprimand and ordered him to pay a \$500 fine. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Illinois Board.
6. An Iowa-licensed physician who practiced family medicine in Sumner, Iowa, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. The Board charged the physician with violating the laws and rules governing the practice of medicine when she failed to provide appropriate pain management to multiple patients between 2009 and 2012, and failed to maintain timely medical records for multiple patients in 2012, in Sumner, Iowa. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain until and unless she demonstrates to the Board that she is competent to provide such care with reasonable skill and safety and receives written approval from the Board. The Board also ordered the physician to successfully complete a Board-approved professional ethics program and medical record keeping course and placed her on probation for a period of five years subject to Board monitoring, including prescribing audits.
7. An Iowa-licensed physician who practices obstetrics and gynecology in Moore, Oklahoma, entered into a combined Statement of Charges and Settlement Agreement on June 6, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since August 1, 1996. On May 16, 2013, the physician was disciplined by the Oklahoma State Board of Medical Licensure and Supervision (Oklahoma Board) for engaging in sexual misconduct when he engaged in a sexual relationship with a female patient while providing gynecological care to her in Moore, Oklahoma, in 2011. The Oklahoma Board placed the physician on probation for a period of five years subject to Board monitoring and counseling for sexual misconduct. Under the terms of the June 6, 2014, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological or mental condition, or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

The Board approved 2 confidential Evaluation Orders due to the following areas of concern:

1. Concerns about an Iowa-licensed physician's professional competence including: surgical judgment; patient selection; surgical skills; communication; interpersonal skills; and documentation.
2. Concerns that an Iowa-licensed physician engaged in unprofessional conduct and/or disruptive behavior in the practice of medicine.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 15 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician violated appropriate professional boundaries with a co-worker.
2. Concerns about a physician's clinical judgment and clinical care.
3. Concerns about a physician's treatment of a patient with diabetes and the medical records.
4. Concerns about a physician's treatment of a patient with recurring diverticulitis.
5. Concerns that a physician failed to admit a frail, elderly patient to the hospital.
6. Concerns about a psychiatrist's clinical judgment and medical record keeping.
7. Concerns that a physician authorized staff members to utilize his unique user name and personal password to refill prescriptions in his name on an e-prescription system.
8. Concerns about a physician's clinical judgment and clinical care.
9. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to inadequate examinations and medical records.
10. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to inappropriate prescribing to five patients between 2008 and 2010.
11. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to a mental condition which impairs the physician's ability to practice medicine.
12. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to a mental condition which impairs the physician's ability to practice medicine.
13. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to competency concerns.
14. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to substance abuse.

15. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board after the physician was convicted of providing false statements in a bankruptcy proceeding.

Unlicensed Practice of Medicine: The Board may review allegations that an individual has engaged in the practice of medicine in Iowa without a medical license in violation of Iowa law.

The Board reviewed 1 case which alleged that an individual engaged in the practice of medicine in Iowa without a medical license in violation of Iowa law. The Board left the case open.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 6 physicians who are being monitored by the Board and held 1 physician appearance.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 36 cases.

Licensure Committee: The Licensure Committee is a committee which reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 9 licensure applications and granted 4 permanent licenses, 2 resident licenses, and 2 temporary licenses. They recommended withdrawing 1 application for reinstatement. The Committee also reviewed 1 physician's examination history to determine licensure eligibility.

The Licensure Committee approved six Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application.

In other action the Board:

- Adopted a FY2015 expense budget of \$4,237,141, up from \$4,032,740 in FY2014. The budget is based on anticipated licensure fees in FY2015 (July 1, 2014 through June 30, 2015) and includes roll-over funds from the current fiscal year. The FY2015 budget includes reductions in various fees that became effective on January 1, 2014, and increases in expenditures for personnel, training, communications and technology.
- Received the resignation of Robert L. Bender II, M.D., Clive, who has taken a new job and is no longer available for Board service. He was appointed to the Board in 2013. The Governor will be asked to appoint a physician to complete the remainder of Dr. Bender's term, which expires on April 30, 2016.
- Received a report that a physician failed to meet drug screening requirements set forth in his contract with the Iowa Physician Health Committee. He was removed from the Iowa Physician Health Program, and referred to the Board for possible disciplinary action. The

program, which monitors physicians with mental health issues, physical disabilities or substance use disorders, had 82 participants on June 1. There have been 17 new participants in the program since January 1 and 14 discharges.

- Received reports from the Iowa Attorney General's Office on six disciplinary cases and one rulemaking case under judicial review in state courts.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on June 10, 2014. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.